

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARC S. KIRSCHNER, As Trustee of the  
Refco Private Actions Trust,

Plaintiff,

-against-

PHILLIP R. BENNETT, SANTO C.  
MAGGIO, ROBERT C. TROSTEN, MAYER  
BROWN, LLP, MAYER BROWN  
INTERNATIONAL, LLP, and GRANT  
THORNTON LLP,

Defendants.

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ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 10/24/12

07 MDL 1902 (JSR)

07 Civ. 8165 (JSR)

[PROPOSED] FINAL JUDGMENT Z

WHEREAS the above-captioned action having come before this Court, and the matter having come before the Honorable Jed S. Rakoff, United States District Judge, and the Court, on October 21, 2012, having rendered its Order directing the Clerk of the Court to enter final judgment dismissing the Amended Complaint in its entirety, with prejudice, in the matter of Kirschner v. Bennett, 07 Civ. 8165, it is,

**ORDERED, ADJUDGED AND DECREED** that for the reasons stated in the Court's Order dated October 29, 2012, final judgment is entered dismissing the Amended Complaint in its entirety, with prejudice, in the matter of Kirschner v. Bennett, 07 Civ. 8165.

DATED: New York, New York  
October 29, 2012

Ruby S. Newark  
Clerk of Court

BY:

R  
Deputy Clerk

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**ORIGINAL**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARC S. KIRSCHNER, As Trustee of the  
Resco Private Actions Trust,

Plaintiff,

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**[PROPOSED] ORDER**

On June 3, 2010, Special Master Daniel J. Capra, issued a Report and Recommendation recommending the dismissal of counts 5, 6, and 7 with prejudice against defendants Mayer Brown International, LLP and Mayer Brown, LLP (together, "Mayer Brown"). After the Plaintiff timely submitted Objections to the Report and Recommendation on June 14, 2010, and Mayer Brown responded thereto on June 24, 2010, the Court heard oral argument on July 28, 2010, and on December 13, 2010, the Court adopted in full the Report and Recommendation of the Special Master, dismissing with prejudice the Amended Complaint in its entirety against Mayer Brown.

On September 4, 2012, defendant Grant Thornton LLP and plaintiff Marc S. Kirschner entered into a joint stipulation of dismissal with prejudice, so ordered and filed by the Court on September 4, 2012.

On October 1, 2012, defendants Phillip R. Bennett, Santo C. Maggio, and Robert C. Trosten and plaintiff Marc S. Kirschner entered into a joint stipulation of dismissal with prejudice, so ordered by the Court on October 10, 2012, and filed on October 12, 2012.

Accordingly, for the reasons stated in the Court's Order dated December 13, 2010, and the Stipulations of Dismissal entered on September 5, 2012, and October 12, 2012, the Amended Complaint hereby is dismissed in its entirety, with prejudice, and the Clerk of the Court is directed to enter final judgment in the matter of Kirschner v. Bennett, 07 Civ. 8165.

SO ORDERED.

  
\_\_\_\_\_  
JED S. RAKOFF, U.S.D.J.

DATED: New York, New York  
October 20, 2012

